

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**THURMAN DEJESUS
and VERDA DEJESUS,**

Plaintiffs,

v.

No. 15-cv-0208 MV/SMV

JOSEPH H. BETRIX,

Defendant.

consolidated with

**THURMAN DEJESUS
and VERDA DEJESUS,**

Plaintiffs,

v.

No. 15-cv-0953 MV/SMV

**JOSEPH H. BETRIX,
AM. STANDARD INS. CO. OF WIS., and
ALLSTATE PROP. & CAS. INS. CO.,**

Defendants.¹

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiffs filed their Complaint against Defendant Allstate (and others) in state court on September 4, 2015. Case no. 15-cv-0953 MV/SMV, [Doc. 1-2] at 1–4. Defendant American Standard removed the case to this Court on October 23, 2015. Case no. 15-cv-0953 MV/SMV, [Doc. 1]. Pursuant to Fed. R. Civ. P. 4(m)

¹ Defendant American Standard Insurance Company was dismissed on November 5, 2015. [Doc. 7] in case number 15-cv-0953 MV/SMV.

(2007) (amended 2015), Plaintiffs had 120 days after the case was removed—or until February 22, 2016—to effect service of process. *See Wallace v. Microsoft Corp.*, 596 F.3d 703, 706 (10th Cir. 2010). There is no indication on the record that service of process has been effected with respect to Defendant Allstate.

IT IS THEREFORE ORDERED that Plaintiffs show good cause why their claims against Defendant Allstate should not be dismissed without prejudice for failure to comply with the service provision of Rule 4(m). *See Espinoza v. United States*, 52 F.2d 838, 841 (10th Cir. 1995). Plaintiffs shall file their response within **21 days** of entry of this Order.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge